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20 Attorneys for Plaintiff  
21 AL PERIERA  
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23 **UNITED STATES DISTRICT COURT**  
24  
25 **CENTRAL DISTRICT OF CALIFORNIA**  
26

27 AL PEREIRA,  
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29 Plaintiff,  
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31 v.  
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33 3072541 CANADA INC.; and DOES  
34 1-10 INCLUSIVE,  
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36 Defendants.  
37

38 Case No. 2:18-cv-2622  
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40 **COMPLAINT FOR COPYRIGHT**  
41 **INFRINGEMENT**  
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43 **DEMAND FOR JURY TRIAL**  
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1 Plaintiff Al Pereira (“Pereira” or “Plaintiff”) by and through his undersigned  
 2 counsel, as and for his Complaint against Defendant 3072541 Canada Inc. (“Jenner” or  
 3 “Defendant”) and DOES 1-10 hereby alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for copyright infringement under Section 501 of the  
 6 Copyright Act. This action arises out of Jenner unauthorized reproduction and public  
 7 display of a copyright photograph of American rapper and actor Tupac Shakur with  
 8 rapper Notorious B.I.G. and Redman, owned and registered by Pereira, a professional  
 9 photographer. Accordingly, Pereira seeks monetary relief under the Copyright Act of  
 10 the United States, as amended, 17 U.S.C. § 101 *et seq.*

11 **JURISDICTION AND VENUE**

12 2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and  
 13 this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§  
 14 1331 and 1338(a).

15 3. This Court has personal jurisdiction over Jenner because Jenner resides in  
 16 and/or is transacting business in California.

17 4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

18 **PARTIES**

19 5. Pereira is a professional photographer in the business of licensing his  
 20 photographs for a fee with a place of business at 1360 Ocean Parkway, Apt. 6M,  
 21 Brooklyn, New York 11230.

22 6. Upon information and belief, Jenner is a Canada corporation qualified to  
 23 do business in California as entity number C3727548, with a place of business at 101  
 24 Japanese Village Plaza, Los Angeles, California 90012. Upon information and belief,  
 25 Jenner is registered with the California Secretary of State. At all times material hereto,  
 26 Jenner has owned and operated the URL: [www.Kendall-Kylie.com](http://www.Kendall-Kylie.com) (the “Website”).

7. DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of Court to amend this Complaint and insert the true names and capacities of said Defendants when the same have been ascertained. Plaintiff is informed and believes and, upon such, alleges that each of the Defendants designated herein as a "DOE" is legally responsible in some manner for the events and happenings herein alleged, and that Plaintiff's damages as alleged herein were proximately caused by such Defendants.

## **STATEMENT OF FACTS**

## A. Background and Plaintiff's Ownership of the Photograph

8. Pereira took an iconic photograph of American rapper and actor Tupac Shakur with rapper Notorious B.I.G. and Redman (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

9. Pereira is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

10. The Photograph is registered with the United States Copyright Office and was given registration number VA 2-065-045.

## **B. Jenner' Infringing Activities**

11. Upon information and belief, Jenner sold t-shirts to the public with the Photograph on it along with a photograph of Kendall or Kylie Jenner on the same t-shirt (the “T-Shirt”). Jenner sold the T-Shirt on the Website. A true and correct copy of the T-Shirt is attached hereto as Exhibit B.

12. Jenner did not license the Photograph from Plaintiff for its T-Shirt nor did Jenner have Plaintiff's permission or consent to sell the T-Shirt with the Photograph.

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**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST JENNER)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Jenner infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the T-Shirt. Jenner is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Jenner complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Jenner have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Jenner of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Jenner's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

# PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Jenner be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Jenner profits, gains or advantages of any kind attributable to Jenner infringement of Plaintiff's Photograph;
3. That Jenner be required to account for all profits, income, receipts, or other benefits derived by Jenner as a result of its unlawful conduct;

1       4. That Plaintiff be awarded pre-judgment interest; and  
2       5. Such other and further relief as the Court may deem just and proper.  
3       6.

4  
5       Dated: March 30, 2018

6       Respectfully submitted,

7       By: /s/ Imran F. Vakil/

8            Imran F. Vakil  
9            NEXIO PC  
10           Richard P. Liebowitz  
11           LIEBOWITZ LAW FIRM, PLLC  
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13           Attorneys for Plaintiff

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: March 30, 2018

Respectfully submitted,

By: /s/ Imran F. Vakil/  
Imran F. Vakil  
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Richard P. Liebowitz  
LIEBOWITZ LAW FIRM, PLLC  
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